

(June 16, 1949, ch. 218, title IV, § 405, 63 Stat. 199; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

CODIFICATION

"Sections 1535 and 1536 of title 31" substituted in text for "section 601 of the Economy Act, approved June 30, 1932, as amended [31 U.S.C. 686]" on authority of Pub. L. 97-258, § 4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

TRANSFER OF FUNCTIONS

Functions of office of Commissioner of Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Office of Commissioner of Public Buildings and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

§ 298c. Repealed. Pub. L. 86-249, § 17(18), Sept. 9, 1959, 73 Stat. 486

Section, act June 16, 1949, ch. 218, title IV, § 406, 63 Stat. 199, authorized expenditure of not more than \$1,800 for landscaping of grounds of any public building.

SAVINGS PROVISION

Section repealed except as to its application to any project referred to in section 613 of this title, see section 17 of Pub. L. 86-249, set out as a note under section 341 of this title.

§ 298d. Naming and renaming of buildings

The Administrator of General Services is authorized, notwithstanding any other provision of law, to name, rename, or otherwise designate any building under the custody and control of the General Services Administration, regardless of whether it was previously named by statute.

(June 16, 1949, ch. 218, title IV, § 410, 63 Stat. 200; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; Pub. L. 85-542, July 18, 1958, 72 Stat. 399.)

AMENDMENTS

1958—Pub. L. 85-542 struck out requirement of approval by Bureau of the Budget for change or rechange of name or designation.

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, set out as an Effective Date note under section 471 of this title.

CHAPTER 4—THE PUBLIC PROPERTY

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- 319a. Termination of easements; notice to grantees, successors or assignees; effective date.
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§ 301. Charge of property transferred to the United States

The Administrator of General Services shall have charge of all lands and other property which have been or may be assigned, set off, or conveyed to the United States in payment of debts, and of all trusts created for the use of the United States in payment of debts due them; and of the sale and disposal of lands assigned or set off to the United States in payment of debts, or vested in them by mortgage or other security for the payment of debts: *Provided*, That this

section shall not apply to real estate which has been or shall be assigned, set off, or conveyed to the United States, in payment of debts arising under the internal-revenue laws, nor to trusts created for the use of the United States, in payment of such debts due them.

(R.S. §3750; May 10, 1934, ch. 277, §512(b), 48 Stat. 759; Pub. L. 89-30, §2, June 2, 1965, 79 Stat. 119.)

REFERENCES IN TEXT

The internal-revenue laws, referred to in text, are classified generally to Title 26, Internal Revenue Code.

CODIFICATION

R.S. §3750 derived from acts May 29, 1830, ch. 153, §1, 4 Stat. 414; Mar. 2, 1867, ch. 169, §4, 14 Stat. 472.

AMENDMENTS

1965—Pub. L. 89-30 substituted “Administrator of General Services” for “General Counsel for the Department of the Treasury”.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Coast Guard and Commandant of Coast Guard excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14, Coast Guard.

Act May 10, 1934, abolished offices of General Counsel and Assistant General Counsel for Bureau of Internal Revenue and offices of Solicitor and Assistant Solicitor of the Treasury, and transferred powers, duties, and functions thereof to General Counsel for Department of the Treasury.

§ 302. Repealed. Oct. 31, 1951, ch. 654, §1(95), 65 Stat. 705

Section, R.S. §3749, related to renting or selling of unproductive lands, or other property of United States acquired under judicial process or otherwise in collection of debts. See sections 483 and 484 of this title.

§ 303. Repealed. Aug. 5, 1947, ch. 493, §2, 61 Stat. 774

Section, acts July 28, 1892, ch. 316, 27 Stat. 321; May 29, 1928, ch. 901, §1(29), 45 Stat. 988, related to lease of property not required for public use by Secretary of the Army. See section 2667 of Title 10, Armed Forces.

§ 303a. Repealed. Oct. 31, 1951, ch. 654, §1(96), 65 Stat. 705

Section, act Mar. 3, 1879, ch. 182, 20 Stat. 383, related to leasing, by Secretary of the Treasury, of unoccupied and unproductive property of United States under his control, and annual reports in connection therewith. See sections 483, 484 and 492 of this title. The provision requiring the submission of annual reports had been previously repealed by act Aug. 7, 1946, ch. 770, §1(49), 60 Stat. 870.

§ 303b. Lease of buildings by Government; money consideration

On and after June 30, 1932, except as otherwise specifically provided by law, the leasing of buildings and properties of the United States shall be for a money consideration only, and there shall not be included in the lease any provision for the alteration, repair, or improvement

of such buildings or properties as a part of the consideration for the rental to be paid for the use and occupation of the same. The moneys derived from such rentals shall be deposited and covered into the Treasury as miscellaneous receipts.

(June 30, 1932, ch. 314, §321, 47 Stat. 412.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 303c of this title; title 10 sections 2667, 2878, 4553; title 14 section 685; title 16 sections 1a-2, 17o, 450ss-4, 698v-6, 5962; title 20 section 196; title 38 sections 8122, 8162, 8201; title 42 sections 1502, 1544, 2473.

§ 303c. Maintenance and repair of Government improvements under concession contracts

Privileges, leases, and permits granted by the Secretary of the Interior for the use of land for the accommodation of park visitors, pursuant to section 3 of title 16, may provide for the maintenance and repair of Government improvements by the grantee notwithstanding the provisions of section 303b of this title, or any other provision of law.

(Pub. L. 87-608, Aug. 24, 1962, 76 Stat. 405.)

§ 304. Disposal of lands acquired by devise

The General Services Administration is authorized to take custody, for disposal as excess property under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], of such lands as have been or may hereafter be acquired by the United States by devise.

(Mar. 3, 1903, ch. 1007, 32 Stat. 1112; Oct. 31, 1951, ch. 654, §4(8), 65 Stat. 709.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that act relating to disposal of excess government property are classified to chapter 10 (§471 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

CODIFICATION

Section is based on act Mar. 3, 1903, popularly known as the “Sundry Civil Appropriation Act, fiscal year 1904”. It superseded a provision of act Aug. 7, 1882, ch. 433, §1, 22 Stat. 319, which authorized the Secretary of the Treasury to “sell such lands as have been acquired by devise,” etc.

AMENDMENTS

1951—Act Oct. 31, 1951, amended section generally. Prior to amendment, section authorized Secretary of the Treasury to sell the type of lands described upon such terms and after public notice by advertisement as he might deem best for the public interest.

§ 304a. Disposition of surplus real property; assignment to governmental agency; lease; sale

Notwithstanding any other provisions of law, whenever any real property located outside of the District of Columbia, exclusive of military or naval reservations, heretofore or hereafter acquired by any Federal agency, by judicial process or otherwise in the collection of debts,

purchase, donation, condemnation, devise, forfeiture, lease, or in any other manner, is, in whole or in part, declared to be in excess of its needs by the Federal agency having control thereof, or by the President on recommendation of the Administrator of General Services, the Administrator of General Services is authorized (a) to assign or reassign to any Federal agency or agencies space therein: *Provided*, That if the Federal agency to which space is assigned does not desire to occupy the space so assigned to it, the decision of the Administrator of General Services shall be subject to review by the President; or (b) pending a sale, to lease such real property on such terms and for such period not in excess of five years as he may deem in the public interest; or (c) to sell the same at public sale to the highest responsible bidder upon such terms and after such public advertisement as he may deem in the public interest: *Provided, further*, That if no bids which are satisfactory as to price and responsibility of bidder are received as a result of such public advertisement, the Administrator of General Services is authorized to sell such property by negotiation, upon such terms as may be deemed to be to the best interest of the Government, but at a price not less than that bid by the highest responsible bidder. (Aug. 27, 1935, ch. 744, §1, 49 Stat. 885; July 18, 1940, ch. 635, §§1, 3, 54 Stat. 764, 765; June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380.)

AMENDMENTS

1940—Act July 18, 1940, inserted last proviso and substituted “Federal Works Administrator” for “Secretary of the Treasury” and “Commissioner of Public Buildings” for “Director of Procurement”.

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator, and functions of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency, office of Federal Works Administrator, office of Commissioner of Public Buildings, and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949 set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a-1, 304a-2, 304b, 304d, 304e of this title; title 16 section 459t.

§ 304a-1. Expenses of sale; maintenance

There are authorized to be appropriated such amounts as may be necessary to cover the costs incident to the sale or lease of real property, or demolition of buildings thereon as hereinafter authorized, which have been or may hereafter be declared surplus to the needs of any Federal agency in accordance with the provisions of sections 304a to 304e of this title, and the care, maintenance, and protection thereof, including, but not limited to pay of employees, travel of Government employees, brokers' fees not in ex-

cess of rates paid for similar services in the community where the property is situated, appraisals, photographs, surveys, evidence of title and perfecting of defective titles, advertising, and telephone and telegraph charges: *Provided, however*, That a Federal agency shall remain responsible for the proper care, maintenance, and protection of the aforesaid property, notwithstanding any declaration that the same is in excess of its needs until such time as custody is assumed by the Administrator of General Services or other disposition is made thereof.

(Aug. 27, 1935, ch. 744, §6, as added July 18, 1940, ch. 635, §2, 54 Stat. 764; amended June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency and office of Federal Works Administrator abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a-2, 304d, 304e of this title.

§ 304a-2. Demolition; historic buildings

The Administrator of General Services is authorized, upon his determination that such action will be to the best interest of the Government, to demolish any building declared surplus to the needs of the Government in accordance with the provisions of sections 304a to 304e of this title: *Provided*, That before proceeding with the demolition of any building, the Administrator of General Services shall inform the Secretary of the Interior in writing of his intention to demolish it, and shall not proceed with the demolition until he shall have received written notice from the Secretary of the Interior that said building is not an historic building of national significance within the meaning of sections 461 to 467 of title 16: *Provided, however*, That if the Secretary of the Interior shall fail to notify the Administrator of General Services of his determination as to whether such building is an historic building of national significance within ninety days of the receipt of the notice of intention to demolish the Administrator of General Services may proceed to demolish said building.

(Aug. 27, 1935, ch. 744, §7, as added July 18, 1940, ch. 635, §2, 54 Stat. 764; amended June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380.)

REFERENCES IN TEXT

Section 461 to 467 of title 16, referred to in text, was in the original a reference to the Act of Aug. 21, 1935, ch. 593, 49 Stat. 666, which is popularly known as the Historic Sites, Buildings, and Antiquities Act.

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works

Administrator, and functions of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency, office of Federal Works Administrator, office of Commissioner of Public Buildings, and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a-1, 304d, 304e of this title.

§ 304b. Alterations and repairs to real property assigned; payment by agency

Whenever after investigation it is determined by the Administrator of General Services that any such real property should be used for the accommodation of any Federal agency or agencies, the Administrator of General Services is authorized to make any repairs thereto or alterations thereof which he deems necessary or advisable and to maintain and operate the same. To the extent that the appropriations of the General Services Administration not otherwise allocated are inadequate for such repairs, alterations, maintenance, or operation, the Administrator of General Services may require each Federal agency to which space has been assigned therein pursuant to the provisions of section 304a of this title to pay promptly by check to the Administrator of General Services out of its appropriation for rent, either in advance of or upon or during occupancy of such space, all or part of the estimated or actual cost of such repairs, alterations, maintenance, and operation: *Provided*, That the total amount so to be paid shall be determined and equitably apportioned by the Administrator of General Services among the Federal agencies to whom space has been so assigned.

(Aug. 27, 1935, ch. 744, § 2, 49 Stat. 886; July 18, 1940, ch. 635, § 3, 54 Stat. 765; June 14, 1946, ch. 404, § 4, 60 Stat. 257; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

AMENDMENTS

1946—Act June 14, 1946, repealed last two provisos relating to computation of rates of assigned space.

1940—Act July 18, 1940, substituted “Federal Works Administrator”, “Commissioner of Public Buildings”, and “Public Buildings Administration” for “Secretary of the Treasury”, “Director of Procurement”, and “Procurement Division”, respectively, throughout section.

TRANSFER OF FUNCTIONS

Functions of office of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Office of Commissioner of Public Buildings and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a-1, 304a-2, 304d, 304e of this title; title 16 section 459t.

§ 304c. Payment by agencies of rent, repairs, alterations, maintenance, operation, and moving costs

To the extent that the appropriations of the General Services Administration not otherwise required are inadequate therefor, the Administrator of General Services may require each Federal agency to which leased space has been assigned to pay promptly by check to the Administrator of General Services out of its available appropriations, either in advance or during occupancy of such space, all or part of the estimated cost of rent, repairs, alterations, maintenance, operation, and moving: *Provided*, That when space in a building is occupied by two or more agencies, the Administrator of General Services shall determine and equitably apportion rental, operation, and other charges on the basis of the total amount of space so leased.

(Aug. 27, 1935, ch. 744, § 3, 49 Stat. 886; July 18, 1940, ch. 635, § 3, 54 Stat. 765; June 14, 1946, ch. 404, § 4, 60 Stat. 257; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380; Pub. L. 85-493, § 2, July 2, 1958, 72 Stat. 294.)

AMENDMENTS

1958—Pub. L. 85-493 struck out provisions which authorized leasing of space outside of District of Columbia for periods not in excess of five years, which provisions are now covered by section 490 of this title.

1946—Act June 14, 1946, substituted provision which authorized Commissioner of Public Buildings to require each Federal agency to pay the estimated cost of rental, repair, etc. of leased space assigned to that agency and to equitably apportion the charges when two or more agencies occupy the same space for provision which authorized the Director of Procurement to procure space for agencies in the same manner authorized by section 304a of this title and to require these agencies to pay the total expense required in the manner specified by section 304b of this title.

1940—Act July 18, 1940, substituted “Commissioner of Public Buildings” and “Federal Works Administrator” for “Director of Procurement” and “Secretary of the Treasury”, respectively.

TRANSFER OF FUNCTIONS; EXCEPTIONS

Functions with respect to acquiring space in buildings by lease, functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), with certain exceptions, transferred from respective agencies in which theretofore vested to Administrator of General Services by sections 1 and 2 of Reorg. Plan No. 18 of 1950, eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270, set out as a note under section 490 of this title. For delegation of those transferred functions to other personnel of General Services Administration, or to heads and personnel of other agencies, and for transfer of personnel, property, records, and funds, see sections 3 and 4 of that Plan.

Functions of office of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Office of Commissioner of Public Buildings and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a-1, 304a-2, 304d, 304e, 356 of this title; title 16 section 459t.

§ 304d. Regulations under sections 304a to 304e

The Administrator of General Services is authorized to make such regulations as may be necessary to carry out the provisions of sections 304a to 304e of this title.

(Aug. 27, 1935, ch. 744, § 4, 49 Stat. 886; July 18, 1940, ch. 635, § 3, 54 Stat. 765; June 30, 1949, ch. 288, title I, § 103(a), 63 Stat. 380.)

AMENDMENTS

1940—Act July 18, 1940, substituted “Commissioner of Public Buildings” and “Federal Works Administrator” for “Director of Procurement” and “Secretary of the Treasury”, respectively.

TRANSFER OF FUNCTIONS

Functions of Federal Works Agency and of all agencies thereof, together with functions of Federal Works Administrator, and functions of Commissioner of Public Buildings and Public Buildings Administration transferred to Administrator of General Services by section 103(a) of act June 30, 1949, which is classified to section 753(a) of this title. Federal Works Agency, office of Federal Works Administrator, office of Commissioner of Public Buildings, and Public Buildings Administration abolished by section 103(b) of act June 30, 1949.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a-1, 304a-2, 304e of this title; title 16 section 459t.

§ 304e. “Federal agency”, as used in sections 304a to 304e, defined

The term “Federal agency”, as used in sections 304a to 304e of this title, means any executive department, independent establishment, commission, board, bureau, division, or office in the executive branch, or other agency of the United States, including corporations wholly owned by the United States.

(Aug. 27, 1935, ch. 744, § 5, 49 Stat. 886.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304a-1, 304a-2, 304d of this title; title 16 section 459t.

§ 304f. Disposition of property abandoned or forfeited to United States; definitions of words used in sections 304f to 304m

As used in sections 304f to 304m of this title—

(1) “Property” means all personal property, including but not limited to vessels, vehicles, and aircraft;

(2) “Agency” includes any executive department, independent establishment, board, commission, bureau, service, or division of the United States, and any corporation in which the United States owns all or a majority of the stock.

(3) “Administrator” means the Administrator of General Services.

(Aug. 27, 1935, ch. 740, title III, § 301, 49 Stat. 879; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Director of Bureau of Federal Supply transferred to Administrator of General Services and office of Director abolished by section 102(a) of act June 30, 1949, which is classified to section 752 of this title.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304j, 304k, 304l, 304m of this title; title 18 section 3668.

§ 304g. Disposition of property voluntarily abandoned to United States

In the event that any property is or has been voluntarily abandoned to any agency in such manner as to vest title thereto in the United States, it may be retained by such agency and devoted to official use only. If such agency shall not desire so to retain such property, the head thereof shall forthwith notify the Administrator to that effect, and the Administrator shall, within a reasonable time—

(a) order such agency to deliver the property to any other agency which requests and in his judgment should be given the property, or

(b) order disposal of the property as otherwise provided by law.

(Aug. 27, 1935, ch. 740, title III, § 302, 49 Stat. 879; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Director of Bureau of Federal Supply transferred to Administrator of General Services and office of Director abolished by section 102(a) of act June 30, 1949, which is classified to section 752 of this title.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304f, 304j, 304k, 304l, 304m of this title; title 18 section 3668.

§ 304h. Disposition of property forfeited to United States

In the event that any property seized by any agency is or has been forfeited to the United States otherwise than by court decree, it may, in the event that the property is not ordered by competent authority to be returned to any claimant, and in lieu of being disposed of as otherwise provided by law (including advertisement for sale, and sale), be retained by such agency and devoted to official use only. If such agency shall not desire so to retain such property, the head thereof shall forthwith notify the Administrator to that effect, and such property shall—

(a) in the event that it is not ordered by competent authority to be returned to any claimant, and in lieu of being disposed of as

otherwise provided by law (including advertisement for sale, and sale), be delivered by such agency, upon order of the Administrator given within a reasonable time, to any other agency which requests and in the judgment of the Administrator should be given the property, or

(b) upon order of the Administrator given within a reasonable time, be disposed of as otherwise provided by law.

(Aug. 27, 1935, ch. 740, title III, § 303, 49 Stat. 879; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Director of Bureau of Federal Supply transferred to Administrator of General Services and office of Director abolished by section 102(a) of act June 30, 1949, which is classified to section 752 of this title.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304f, 304j, 304k, 304l, 304m of this title; title 18 section 3668.

§ 304i. Disposition of property subject to pending court proceedings for forfeiture

In the event that proceedings are or have been commenced for the forfeiture of any property by court decree, the agency which seized such property shall forthwith notify the Administrator and may at the same time file with him a request for such property for its official use. The Administrator shall, before entry of a decree, apply to the court to order delivery of such property—

(a) to the agency filing such request; or

(b) if no such request has been filed, to any other agency which requests and in the judgment of the Administrator should be given such property; or

(c) if the agency which seized such property has not requested it, and no other agency has requested and in the judgment of the Administrator should be given such property, and if in the judgment of the Administrator the property may later become necessary to any agency for official use, to the seizing agency to be retained in its custody. Thereafter, the Administrator shall, within a reasonable time, order such agency to deliver the property to any other agency which requests and in his judgment should be given such property, or to dispose of it as otherwise provided by law,

and if forfeiture thereof is decreed, the court shall, in the event that the property is not ordered by competent authority to be returned to any claimant, order delivery accordingly. All the property for which no such application is made shall be disposed of by the court in accordance with law.

(Aug. 27, 1935, ch. 740, title III, § 304, 49 Stat. 880; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Director of Bureau of Federal Supply transferred to Administrator of General Services and

office of Director abolished by section 102(a) of act June 30, 1949, which is classified to section 752 of this title.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304f, 304j, 304k, 304l, 304m of this title; title 18 section 3668.

§ 304j. Appropriation available for maintenance, etc., of abandoned and forfeited property, payment of liens and other charges

The appropriation available to any agency for the purchase, hire, operation, maintenance, and repair of property of any kind shall be available for the payment of expenses of operation, maintenance, and repair of property of the same kind received by it under any provision of sections 304f to 304m of this title for official use; for the payment of any lien recognized and allowed pursuant to law, and for the payment of all moneys found to be due any person upon the duly authorized remission or mitigation of any forfeiture; and for reimbursement of other agencies as hereafter provided. The costs of hauling, transporting, towing, and storage of such property shall be paid by the agency which has seized such property or to which it has been abandoned; and, if such property is later delivered to another agency for official use under sections 304g to 304i of this title, the latter shall make reimbursement for all such costs incurred prior to the date of delivery to it of such property.

(Aug. 27, 1935, ch. 740, title III, § 305, 49 Stat. 880.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304f, 304l, 304m of this title; title 18 section 3668.

§ 304k. Retention or delivery of abandoned or forfeited property deemed sale with respect to informer's fees and mitigation of forfeiture

Retention or delivery of forfeited or abandoned property under sections 304f to 304m of this title shall be regarded as the sale thereof for the purpose of laws providing for informer's fees or remission or mitigation of any forfeiture. Any property so acquired when no longer needed for official use shall be disposed of in the same manner as other surplus property.

(Aug. 27, 1935, ch. 740, title III, § 306, 49 Stat. 880.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304f, 304j, 304l, 304m of this title; title 18 section 3668.

§ 304l. Reports by agencies concerning abandoned or forfeited property; rules and regulations

The Administrator is authorized, with the approval of the Secretary of the Treasury, (1) to require any agency, from time to time, to make a report of all property abandoned to it or seized and the disposal thereof, and (2) to make such rules and regulations as may be necessary to

carry out the provisions of sections 304f to 304m of this title.

(Aug. 27, 1935, ch. 740, title III, § 307, 49 Stat. 880; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380.)

TRANSFER OF FUNCTIONS

Functions of Director of Bureau of Federal Supply transferred to Administrator of General Services and office of Director abolished by section 102(a) of act June 30, 1949, which is classified to section 752 of this title.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304f, 304j, 304k, 304m of this title; title 18 section 3668.

§ 304m. Effect on other laws; abandoned or forfeited property excluded from allocation

Nothing contained in sections 304f to 304m of this title shall be construed as repealing any other laws relating to the disposition of forfeited or abandoned property, except such provisions of such laws as are directly in conflict with any provisions of said sections.

The following classes of property shall not be subject to allocation under sections 304g to 304i of this title, but shall be disposed of in the manner otherwise provided by law:

- (1) arms or munitions of war included in section 404 of title 22;
- (2) narcotic drugs, as defined in the Controlled Substances Act [21 U.S.C. 801 et seq.];
- (3) firearms, as defined in section 5845 of title 26; and
- (4) such other classes or kinds of property as the Administrator, with the approval of the Secretary of the Treasury, may deem in the public interest, and may by rules and regulations provide.

(Aug. 27, 1935, ch. 740, title III, § 308, 49 Stat. 880; June 30, 1949, ch. 288, title I, § 102(a), 63 Stat. 380; Pub. L. 91-513, title III, § 1102(o), Oct. 27, 1970, 84 Stat. 1293.)

REFERENCES IN TEXT

Section 404 of title 22, referred to in par. (1), was repealed by act Aug. 13, 1953, ch. 434, § 2, 67 Stat. 577.

The Controlled Substances Act, referred to in par. (2), is title II of Pub. L. 91-513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§ 801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

CODIFICATION

In par. (3), “section 5845 of title 26” substituted for “section 2733 of title 26” on authority of section 7852(b) of Title 26, Internal Revenue Code, which provides that a reference in other laws to the Internal Revenue Code of 1939 is deemed a reference to corresponding provision of the Internal Revenue Code of 1986.

AMENDMENTS

1970—Pub. L. 91-513 substituted “the Controlled Substances Act” for “section 171 of title 21” in definition of narcotic drugs.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-513 effective on first day of seventh calendar month that begins after the day im-

mediately preceding the date of enactment of Pub. L. 91-513, which was approved on Oct. 27, 1970, see section 1105(a) of Pub. L. 91-513, set out as an Effective Date note under section 951 of Title 21, Food and Drugs.

TRANSFER OF FUNCTIONS

Functions of Director of Bureau of Federal Supply transferred to Administrator of General Services and office of Director abolished by section 102(a) of act June 30, 1949, which is classified to section 752 of this title.

EFFECTIVE DATE OF TRANSFER OF FUNCTIONS

Transfer of functions by act June 30, 1949, effective July 1, 1949, see section 605 of act June 30, 1949, set out as an Effective Date note under section 471 of this title.

SAVINGS PROVISION

Prosecutions for any violation of law occurring, and civil seizures or forfeitures and injunctive proceedings commenced, prior to the effective date of amendment of this section by section 1102 of Pub. L. 91-513 not to be affected or abated by reason thereof, see section 1103 of Pub. L. 91-513, set out as a note under section 171 of Title 21, Food and Drugs.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 304f, 304j, 304k, 304l of this title; title 18 section 3668.

§ 305. Power to obtain releases

Whenever any lands have been or shall be conveyed to individuals or officers, for the use or benefit of the United States, the President is authorized to obtain from such person a release of his interest to the United States.

(R.S. § 3752.)

CODIFICATION

R.S. § 3752 derived from act Apr. 28, 1828, ch. 41, § 3, 4 Stat. 264.

§ 306. Release of lands in certain cases

In cases where real estate has become the property of the United States, by conveyance, extent, or otherwise, in payment of a debt, and such debt is afterward fully paid in money, and the same has been received by the United States, the Administrator of General Services may release by deed or otherwise convey the same real estate to the debtor from whom it was taken, if he is living, or, if such debtor is dead, to his heirs or devisees, or such person as they may appoint: *Provided*, That this section shall not apply to real estate so acquired by the United States in payment of any debt arising under the internal-revenue laws.

(R.S. § 3751; May 10, 1934, ch. 277, § 512(b), 48 Stat. 759; Pub. L. 89-30, § 3, June 2, 1965, 79 Stat. 119.)

REFERENCES IN TEXT

The internal-revenue laws, referred to in text, are classified generally to Title 26, Internal Revenue Code.

CODIFICATION

R.S. § 3751 derived from acts May 29, 1830, ch. 153, § 1, 4 Stat. 414; Mar. 2, 1867, ch. 169, § 4, 14 Stat. 472.

AMENDMENTS

1965—Pub. L. 89-30 substituted “Administrator of General Services” for “General Counsel for the Department of the Treasury”.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with cer-

tain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization and Employees. Functions of Coast Guard and Commandant of Coast Guard excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14, Coast Guard.

Act May 10, 1934, abolished offices of General Counsel and Assistant General Counsel for Bureau of Internal Revenue and offices of Solicitor and Assistant Solicitor of Treasury, and transferred powers, duties, and functions thereof to General Counsel for Department of the Treasury.

§ 307. Omitted

CODIFICATION

Section, acts May 7, 1822, ch. 96, §3, 3 Stat. 692; July 1, 1879, ch. 62, 21 Stat. 47; Mar. 3, 1921, ch. 123, 41 Stat. 1251, provided for issuance of deeds for land in city of Washington, D.C., sold under section 2 of act May 7, 1822.

§ 308. Releasing property from attachment

Whenever any property owned or held by the United States, or in which the United States has or claims an interest, shall, in any judicial proceeding under the laws of any State, district, or territory, be seized, arrested, attached, or held for the security or satisfaction of any claim made against such property, the Attorney General, in his discretion, may direct the United States Attorney for the district in which the property is located, to cause a stipulation to be entered into for the discharge of such property from such seizure, arrest, attachment, or proceeding, to the effect that upon such discharge, the person asserting the claim against such property shall become entitled to all the benefits of this section and section 309 of this title. Nothing herein contained shall, however, be considered as recognizing or conceding any right to enforce by seizure, arrest, attachment, or any judicial process, any claim against any property of the United States, or against any property held, owned, or employed by the United States, or by any department thereof, for any public use, or as waiving any objection to any proceeding instituted to enforce any such claim.

(R.S. §3753; May 10, 1934, ch. 277, §512(b), 48 Stat. 759; Pub. L. 89-30, §1(a), June 2, 1965, 79 Stat. 118.)

CODIFICATION

R.S. §3753 derived from act June 11, 1864, ch. 117, 13 Stat. 122.

AMENDMENTS

1965—Pub. L. 89-30 substituted the Attorney General acting through the United States Attorney for the district in which the property is located, for the Secretary of the Treasury, acting through the General Counsel for the Department of the Treasury, as the proper official to cause a stipulation to be entered into for the discharge of attached property.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, employees, and agencies of Department of the Treasury, with certain exceptions, to Secretary of the Treasury with power to delegate, see Reorg. Plan No. 26 of 1950, §§1, 2, eff. July 31, 1950, 15 F.R. 4935, 64 Stat. 1280, 1281, set out in the Appendix to Title 5, Government Organization

and Employees. Functions of Coast Guard and Commandant of Coast Guard excepted from transfer when Coast Guard is operating as part of Navy under sections 1 and 3 of Title 14, Coast Guard.

Act May 10, 1934, abolished offices of General Counsel and Assistant General Counsel for Bureau of Internal Revenue and offices of Solicitor and Assistant Solicitor of the Treasury, and transferred powers, duties, and functions thereof to General Counsel for Department of the Treasury.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 309 of this title.

§ 309. Payment

In all cases where a stipulation is entered into under section 308 of this title, and, in consequence thereof, the property is discharged, and final judgment is afterward given in the court of last resort to which the Attorney General may deem proper to cause such proceedings to be carried, affirming the claim for the security or satisfaction of which such proceedings have been instituted, and the right of the person asserting the same to enforce it against such property by means of such proceedings, notwithstanding the claims of the United States thereto, such final judgment shall be deemed, to all intents and purposes, a full and final determination of the rights of such person, and shall entitle such person, as against the United States, to such rights as he would have had in case possession of such property had not been changed. Whenever such claim is for the payment of money, and the same is by such judgment found to be due, the presentation of a duly authenticated copy of the record of such judgment and proceedings shall be sufficient evidence to the proper accounting officers for the allowance thereof; and the same shall thereupon be allowed and paid out of any moneys in the Treasury not otherwise appropriated. The amount so to be allowed and paid shall not, however, exceed the value of the interest of the United States in the property in question.

(R.S. §3754; Pub. L. 89-30, §1(b), June 2, 1965, 79 Stat. 119.)

CODIFICATION

R.S. §3754 derived from act June 11, 1864, ch. 117, 13 Stat. 122.

AMENDMENTS

1965—Pub. L. 89-30 substituted "Attorney General" for "Secretary of the Treasury".

APPROPRIATIONS

Section 3 of act June 26, 1934, ch. 756, 48 Stat. 1226, which was classified to section 725b of former Title 31, Money and Finance, provided in part that, effective July 1, 1935, the permanent or continuing appropriation account "Judgments of courts (Revised Statutes, section 3754 [40 U.S.C. 309]) (7x965)" is abolished, and any unobligated balances in such account are covered into the Treasury; and that any claims accruing on and after July 1, 1935, which, but for this section would have been charged to this appropriation title, shall, upon proper audit, be certified to Congress for appropriation from the general fund of the Treasury, which is authorized.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 308 of this title.

§ 310. Abandoned property

The Administrator of General Services is authorized to make such contracts and provisions as he may deem for the interest of the Government, for the preservation, sale, or collection of any property, or the proceeds thereof, which may have been wrecked, abandoned, or become derelict, being within the jurisdiction of the United States, and which ought to come to the United States, and in such contracts to allow such compensation to any person giving information thereof, or who shall actually preserve, collect, surrender, or pay over the same, as the Administrator of General Services may deem just and reasonable. No costs or claim shall, however, become chargeable to the United States in so obtaining, preserving, collecting, receiving, or making available property, debts, dues, or interests, which shall not be paid from such moneys as shall be realized and received from the property so collected, under each specific agreement.

(R.S. §3755; Pub. L. 89-30, §4, June 2, 1965, 79 Stat. 119.)

CODIFICATION

The clause in this section, as originally enacted, making it applicable also to “or of any moneys, dues, and other interests lately in the possession of or due to the so-called Confederate States, or their agents, and now belonging to the United States, which are now withheld or retained by any person, corporation or municipality whatever, and which ought to have come into the possession and custody of, or been collected or received by, the United States;” was omitted.

R.S. §3755 derived from Res. June 21, 1870, No. 75, 16 Stat. 380.

AMENDMENTS

1965—Pub. L. 89-30 substituted “Administrator of General Services” for “Secretary of the Treasury”.

§§ 311, 311a. Repealed. June 30, 1949, ch. 288, title VI, § 602(a)(5), (6), formerly title V, § 502(a)(5), (6), 63 Stat. 400; renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583

Section 311, act July 11, 1919, ch. 6, §5, 41 Stat. 67, related to purchase of material and supplies from government services following cessation of war activities. See section 471 et seq. of this title.

Section 311a, act Dec. 20, 1928, ch. 39, title I, 45 Stat. 1030, related to surplus materials, supplies and equipment, and application of Executive Order of Dec. 3, 1918. See section 471 et seq. of this title. Similar provisions were contained in the following prior acts:

Feb. 12, 1925, ch. 225, title I, 43 Stat. 894.
June 30, 1922, ch. 253, title I, 42 Stat. 717.
July 19, 1919, ch. 24, §3, 41 Stat. 232.
July 11, 1919, ch. 7, §7, 41 Stat. 103.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective July 1, 1949, pursuant to section 505 of act June 30, 1949.

§ 311b. Disposition of unfit horses and mules

Subject to applicable regulations under the Federal Property and Administrative Services Act of 1949, as amended [40 U.S.C. 471 et seq.], horses and mules belonging to the United States which have become unfit for service may be destroyed or put out to pasture, either on the pastures belonging to the United States Govern-

ment or those belonging to financially sound and reputable humane organizations whose facilities permit them to care for them during the remainder of their natural life, at no cost to the Government.

(June 15, 1938, ch. 400, 52 Stat. 693; June 3, 1939, ch. 176, 53 Stat. 808; Oct. 31, 1951, ch. 654, §2(24), 65 Stat. 707.)

REFERENCES IN TEXT

The Federal Property and Administrative Services Act of 1949, as amended, referred to in text, is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of that act relating to disposal of government property are classified to chapter 10 (§471 et seq.) of this title. Provisions of that act relating to regulations are classified to section 486 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 471 of this title and Tables.

AMENDMENTS

1951—Act Oct. 31, 1951, inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended.

1939—Act June 3, 1939, amended section generally, inserting “, either on the pastures belonging to the United States Government or those belonging to financially sound and reputable humane organizations whose facilities permit them to care for them during the remainder of their natural life, at no cost to the Government”.

§ 312. Repealed. Oct. 31, 1951, ch. 654, §1(97), 65 Stat. 705

Section, act Dec. 20, 1928, ch. 39, title I, 45 Stat. 1030, related to issuance of surplus typewriters and computing machines to Government departments and establishments. See sections 483 and 484 of this title.

Similar provisions were contained in the following prior appropriation acts:

Mar. 5, 1928, ch. 126, 45 Stat. 165.
Jan. 26, 1927, ch. 58, 44 Stat. 1030.
Mar. 2, 1926, ch. 43, 44 Stat. 139.
Jan. 22, 1925, ch. 87, 43 Stat. 766.
Apr. 4, 1924, ch. 84, 43 Stat. 67.
Jan. 3, 1923, ch. 22, 42 Stat. 1090.
Feb. 17, 1922, ch. 55, 42 Stat. 369.

§§ 313, 313-1. Omitted

CODIFICATION

Section 313, which was from the Treasury and Post Office Departments Appropriation Act, 1949, act June 14, 1948, ch. 466, title I, 62 Stat. 415, related to repairs to typewriting machines in Government service in District of Columbia, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriation acts:

July 1, 1947, ch. 186, title I, 61 Stat. 224.
July 20, 1946, ch. 588, title I, 60 Stat. 579.
Apr. 24, 1945, ch. 92, title I, 59 Stat. 67.
Apr. 22, 1944, ch. 175, title I, 58 Stat. 206.
June 30, 1943, ch. 179, title I, 57 Stat. 262.
Mar. 10, 1942, ch. 178, title I, 56 Stat. 161.
Feb. 21, 1942, ch. 108, title I, 56 Stat. 109.
May 31, 1941, ch. 156, title I, 55 Stat. 226.
Mar. 25, 1940, ch. 71, title I, 54 Stat. 70.
May 6, 1939, ch. 115, title I, 53 Stat. 674.
Mar. 28, 1938, ch. 55, title I, 52 Stat. 139.
May 14, 1937, ch. 180, title I, 50 Stat. 154.
June 23, 1936, ch. 725, title I, 49 Stat. 1844.
May 14, 1935, ch. 110, title I, 49 Stat. 234.
Mar. 15, 1934, ch. 70, 48 Stat. 438.
Mar. 3, 1933, ch. 212, 47 Stat. 1491.
July 5, 1932, ch. 430, 47 Stat. 582.
Feb. 23, 1931, ch. 277, 46 Stat. 1219.

May 15, 1930, ch. 289, 46 Stat. 337.
 Dec. 20, 1928, ch. 39, 45 Stat. 1031.
 Mar. 5, 1928, ch. 126, 45 Stat. 165.
 Jan. 26, 1927, ch. 58, 44 Stat. 1030.
 Mar. 2, 1926, ch. 43, 44 Stat. 139.
 Jan. 22, 1925, ch. 87, 43 Stat. 766.
 Apr. 4, 1924, ch. 84, 43 Stat. 67.
 Jan. 3, 1923, ch. 22, 42 Stat. 1090.
 Feb. 17, 1922, ch. 55, 42 Stat. 369.

Section 313-1, which was from the Independent Offices Appropriation Act, 1951, act Sept. 6, 1950, ch. 896, ch. VIII, title I, 64 Stat. 708, related to the control, survey, and disposition of typewriting machines by Administrator of General Services, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriation act:

June 30, 1949, ch. 286, title I, 63 Stat. 364.

§ 313-2. Omitted

CODIFICATION

Section, which was from the Treasury, Postal Service, and General Government Appropriation Act, 1972, Pub. L. 92-49, title VI, §611, July 9, 1971, 85 Stat. 124, provided that no money appropriated by this or any other Act or any agency of executive branch of Government was to be used during current fiscal year for purchase within continental limits of United States of any typewriting machines, except in accordance with regulations issued pursuant to provisions of Federal Property and Administrative Services Act of 1949, as amended, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriation acts:

Dec. 17, 1970, Pub. L. 91-556, title I, 84 Stat. 1448.
 Nov. 26, 1969, Pub. L. 91-126, title I, 83 Stat. 228.
 Oct. 4, 1968, Pub. L. 90-550, title I, 82 Stat. 944.
 Nov. 3, 1967, Pub. L. 90-121, title I, 81 Stat. 349.
 Sept. 6, 1966, Pub. L. 89-555, title I, 80 Stat. 674.
 Aug. 16, 1965, Pub. L. 89-128, title I, 79 Stat. 531.
 Aug. 30, 1964, Pub. L. 88-507, title I, 78 Stat. 655.
 Dec. 19, 1963, Pub. L. 88-215, title I, 77 Stat. 436.
 Oct. 3, 1962, Pub. L. 87-741, title I, 76 Stat. 727.
 Aug. 17, 1961, Pub. L. 87-141, title I, 75 Stat. 353.
 July 12, 1960, Pub. L. 86-626, title I, 74 Stat. 434.
 Sept. 14, 1959, Pub. L. 86-255, title I, 73 Stat. 507.
 Aug. 28, 1958, Pub. L. 85-844, title I, 72 Stat. 1069.
 June 29, 1957, Pub. L. 85-69, title I, 71 Stat. 232.
 June 27, 1956, ch. 452, title I, 70 Stat. 345.
 June 30, 1955, ch. 244, title I, 69 Stat. 205.
 June 24, 1954, ch. 359, title I, 68 Stat. 282.
 July 31, 1953, ch. 302, title I, 67 Stat. 304.
 July 5, 1952, ch. 578, title I, 66 Stat. 400.
 Aug. 31, 1951, ch. 376, title I, 65 Stat. 275.

§ 313a. Omitted

CODIFICATION

Section, which was from the Treasury and Post Office Departments Appropriation Act, 1949, act June 14, 1948, ch. 466, title I, 62 Stat. 415, related to repair and reissue of surplus property, and was not repeated in subsequent appropriation acts.

Similar provisions were contained in the following prior appropriation acts:

July 1, 1947, ch. 186, title I, 61 Stat. 224.
 July 20, 1946, ch. 588, title I, 60 Stat. 579.
 Apr. 24, 1945, ch. 92, title I, 59 Stat. 67.
 Apr. 22, 1944, ch. 175, title I, 58 Stat. 206.
 June 30, 1943, ch. 179, title I, 57 Stat. 262.
 Mar. 10, 1942, ch. 178, title I, 56 Stat. 161.
 Feb. 21, 1942, ch. 108, title I, 56 Stat. 109.
 May 31, 1941, ch. 156, title I, 55 Stat. 226.
 Mar. 25, 1940, ch. 71, title I, 54 Stat. 69.
 May 6, 1939, ch. 115, title I, 53 Stat. 674.
 Mar. 28, 1938, ch. 55, title I, 52 Stat. 139.
 May 14, 1937, ch. 180, title I, 50 Stat. 154.

June 23, 1936, ch. 725, title I, 49 Stat. 1844.
 May 14, 1935, ch. 110, 49 Stat. 234.

§ 314. Sale of war supplies, lands, and buildings

The President is authorized, through the head of any executive department, to sell, upon such terms as the head of such department shall deem expedient, to any person, partnership, association, corporation, or any other department of the Government, or to any foreign State or Government, engaged in war against any Government with which the United States is at war, any war supplies, material and equipment, and any by-products thereof, and any building, plant or factory, acquired since April sixth, nineteen hundred and seventeen, including the lands upon which the plant or factory may be situated, for the production of such war supplies, materials, and equipment which, during the emergency existing July 9, 1918, may have been purchased, acquired, or manufactured by the United States: *Provided further*, That sales of guns and ammunition made under the authority contained in this section or any other Act shall be limited to sales to other departments of the Government and to foreign States or Governments engaged in war against any Government with which the United States is at war, and to members of the National Rifle Association and of other recognized associations organized in the United States for the encouragement of small-arms target practice.

(July 9, 1918, ch. 143, 40 Stat. 850; Feb. 25, 1919, ch. 39, §3, 40 Stat. 1173; May 29, 1928, ch. 901, §1(8), 45 Stat. 986; Aug. 7, 1946, ch. 770, §1(55), 60 Stat. 870.)

AMENDMENTS

1946—Act Aug. 7, 1946, repealed same provisions, relating to reports to Congress, which were repealed by act May 29, 1928.

1928—Act May 29, 1928, discontinued report required by act July 9, 1918, to be made to Congress of money received by sales of supplies, materials, equipment, or other property purchased, acquired, or manufactured, in the United States in connection with the prosecution of the war.

1919—Act Feb. 25, 1919, repealed following proviso: “Any moneys received by the United States as the proceeds of any such sale shall be deposited to the credit of that appropriation out of which was paid the cost to the Government of the property thus sold, and the same shall immediately become available for the purposes named in the original appropriation.”

§§ 314a, 315. Omitted

CODIFICATION

Section 314a, act June 30, 1949, ch. 286, title I, 63 Stat. 363, provided for proceeds of sale of surplus property by Bureau of Federal Supply to be covered into Treasury as miscellaneous receipts. See section 485 of this title.

Section 315, act June 16, 1933, ch. 101, §7, 48 Stat. 305, which authorized President to increase price of services rendered or articles sold by Government upon a finding that charge was less than cost, expired two years after June 16, 1933.

§ 316. Disposition of securities

With respect to any bonds, notes, or other securities acquired on behalf of the United States under the provisions of the Transportation Act of 1920, including, without limitation of the fore-

going, any securities acquired as an incident to a case under title 11, receivership, or reorganization proceeding, or by assignment, transfer, substitution, or issuance, or by purchase, default, or other acquisition (whether at a foreclosure sale or otherwise) of collateral given for the payment of obligations to the United States, the President, or any officer, agent, or agency he may designate, is authorized to sell, exchange or otherwise dispose of, any such bonds, notes, or other securities, or to enter into arrangements for the extension of the maturity thereof, in such manner, in such amounts, at such prices, for cash, securities or other property, or any combination thereof, and upon such terms and conditions as the President or any officer, agent, or agency so designated may deem advisable and in the public interest.

(Feb. 28, 1920, ch. 91, §213, as added Aug. 13, 1940, ch. 666, 54 Stat. 788; amended Pub. L. 95-598, title III, §325, Nov. 6, 1978, 92 Stat. 2679.)

REFERENCES IN TEXT

The Transportation Act of 1920, referred to in text, is act Feb. 28, 1920, ch. 91, 41 Stat. 456, as amended, which was classified to this section, section 1375a of former Title 10, Army and Air Force, sections 131 to 146 of Title 45, Railroads, and sections 1 to 5, 6, 10 to 15a, 16, 17, 18, 19a, 20, 20a, 25 to 27, 71 to 74, 76 to 79, 141, and 142 of Title 49, Transportation. For complete classification of this Act to the Code, see Tables. Numerous sections of the Act that were classified to Title 49 were repealed by Pub. L. 95-473, §4(b), Oct. 13, 1978, 92 Stat. 1467, the first section of which enacted subtitle IV (§10101 et seq.) of Title 49. For distribution of former sections of Title 49 into the revised Title 49, see table at the beginning of Title 49.

CODIFICATION

Section was formerly classified to section 80 of Title 49, Transportation.

AMENDMENTS

1978—Pub. L. 95-598 substituted “case under title 11” for “bankruptcy”.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(a) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

§ 317. Repealed. Pub. L. 88-118, Sept. 6, 1963, 77 Stat. 152

Section, acts Oct. 26, 1942, ch. 629, title II, 56 Stat. 999; Oct. 26, 1949, ch. 757, 63 Stat. 930, related to control of electric fans, water-cooling units and air-conditioning equipment in certain buildings operated by Administrator of General Services.

§ 318. Special police

(a) Appointment

The Administrator of General Services, or officials of the General Services Administration duly authorized by the Administrator, may appoint uniformed guards of such Administration as special policemen without additional compensation for duty in connection with the policing of all buildings and areas owned or occupied by the United States and under the charge and control of the Administrator.

(b) Powers

Special policemen appointed under this section shall have the same powers as sheriffs and

constables upon property referred to in subsection (a) of this section to enforce the laws enacted for the protection of persons and property, and to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rules and regulations promulgated by the Administrator of General Services or such duly authorized officials of the General Services Administration for the property under their jurisdiction; except that the jurisdiction and policing powers of such special policemen shall not extend to the service of civil process.

(June 1, 1948, ch. 359, §1, 62 Stat. 281; Pub. L. 100-678, §8(a), (b), Nov. 17, 1988, 102 Stat. 4052, 4053.)

AMENDMENTS

1988—Pub. L. 100-678, §8(b), in amending section generally, inserted section catchline “Special police”, designated provision relating to appointment of special police as subsec. (a), designated provision relating to powers of special police as subsec. (b), and struck out provision in subsec. (b) which restricted the jurisdiction and policing powers to Federal property over which the United States has acquired exclusive or concurrent criminal jurisdiction.

Pub. L. 100-678, §8(a), substituted “Administrator of General Services” for “Federal Works Administrator” and “General Services Administration” for “Federal Works Agency” in three places.

SHORT TITLE

Act June 1, 1948, which enacted this section and sections 318a to 318d of this title, is popularly known as the “Protection of Public Property Act”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 section 403o.

§ 318a. Rules and regulations; posting

The Administrator of General Services or officials of the General Services Administration duly authorized by him are authorized to make all needful rules and regulations for the government of the property under their charge and control, and to annex to such rules and regulations such reasonable penalties, within the limits prescribed in section 318c of this title, as will insure their enforcement: *Provided*, That such rules and regulations shall be posted and kept posted in a conspicuous place on such property.

(June 1, 1948, ch. 359, §2, 62 Stat. 281; Pub. L. 100-678, §8(a), (c)(1), Nov. 17, 1988, 102 Stat. 4052, 4053.)

AMENDMENTS

1988—Pub. L. 100-678 substituted “Administrator of General Services” for “Federal Works Administrator”, “General Services Administration” for “Federal Works Agency”, and “property” for “Federal property” in two places.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 318c of this title.

§ 318b. Application for protection; detail of special police; utilization of Federal law-enforcement agencies

Upon the application of the head of any department or agency of the United States having property of the United States under its administration and control, the Administrator of Gen-

eral Services or officials of the General Services Administration duly authorized by him are authorized to detail any such special policemen for the protection of such property and if he deems it desirable, to extend to such property the applicability of any such regulations and to enforce the same as set forth herein; and the Administrator of General Services or official of the General Services Administration duly authorized by him, whenever it is deemed economical and in the public interest, may utilize the facilities and services of existing Federal law-enforcement agencies, and, with the consent of any State or local agency, the facilities and services of such State or local law-enforcement agencies.

(June 1, 1948, ch. 359, § 3, 62 Stat. 281; Pub. L. 100-678, § 8(a), (c)(2), Nov. 17, 1988, 102 Stat. 4052, 4053.)

REFERENCES IN TEXT

Herein, referred to in text, means act June 1, 1948, ch. 359, 62 Stat. 281, as amended, which enacted sections 318 to 318d of this title. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

1988—Pub. L. 100-678, § 8(c)(2), struck out “and over which the United States has acquired exclusive or concurrent criminal jurisdiction” after “administration and control”.

Pub. L. 100-678, § 8(a), substituted “Administrator of General Services” for “Federal Works Administrator” in two places and “General Services Administration” for “Federal Works Agency” in two places.

§ 318c. Penalties

(a) Except as provided in subsection (b) of this section, whoever violates any rule or regulation promulgated pursuant to section 318a of this title shall be fined not more than \$50 or imprisoned not more than thirty days, or both.

(b)(1) Whoever violates any military traffic regulation shall be fined an amount not to exceed the amount of the maximum fine for a like or similar offense under the criminal or civil law of the State, territory, possession, or district where the military installation in which the violation occurred is located, or imprisoned for not more than 30 days, or both.

(2) For purposes of this subsection, the term “military traffic regulation” means a rule or regulation for the control of vehicular or pedestrian traffic on military installations that is promulgated by the Secretary of Defense, or the designee of the Secretary, under the authority delegated pursuant to section 318a of this title.

(June 1, 1948, ch. 359, § 4, 62 Stat. 281; Pub. L. 104-201, div. A, title X, § 1067, Sept. 23, 1996, 110 Stat. 2654.)

AMENDMENTS

1996—Pub. L. 104-201 designated existing provisions as subsec. (a), substituted “Except as provided in subsection (b) of this section, whoever violates” for “Whoever shall violate”, inserted “than” after “fined not more”, and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 318a of this title; title 50 section 403o.

§ 318d. Nonuniformed special policemen; powers; arrests without warrant

Officials or employees of the General Services Administration who have been duly authorized to perform investigative functions may be empowered by the Administrator of General Services, or officials of General Services Administration duly authorized by him, to act as nonuniformed special policemen in order to protect property under the charge and control of the General Services Administration and to carry firearms, whether on Federal property or in travel status. Such officials or employees who are empowered to act as nonuniformed special policemen shall have, while on real property under the charge and control of the General Services Administration, the power to enforce Federal laws for the protection of persons and property and the power to enforce rules and regulations made and published for such purposes by the Administrator or duly authorized officials of the General Services Administration. Any such special policeman may make arrests without warrant for any offense committed upon such property if he has reasonable ground to believe (1) the offense constitutes a felony under the laws of the United States, and (2) that the person to be arrested is guilty of that offense.

(June 1, 1948, ch. 359, § 5, as added Pub. L. 87-275, Sept. 22, 1961, 75 Stat. 574.)

§ 319. Grant of easements; authority of executive agencies; application; protection of Federal interests; consideration; legislative jurisdiction; notice of relinquishment, acceptance and State proceedings

Whenever a State or political subdivision or agency thereof or any person makes application for the grant of an easement in, over, or upon real property of the United States for a right-of-way or other purpose, the executive agency having control of such real property may grant to the applicant, on behalf of the United States, such easement as the head of such agency determines will not be adverse to the interests of the United States, subject to such reservations, exceptions, limitations, benefits, burdens, terms, or conditions, including those provided in section 319a of this title, as the head of the agency deems necessary to protect the interests of the United States. Such grant may be made without consideration, or with monetary or other consideration, including any interest in real property. In connection with the grant of such an easement, the executive agency concerned may relinquish to the State in which the affected real property is located such legislative jurisdiction as the executive agency deems necessary or desirable. Relinquishment of legislative jurisdiction under the authority of sections 319 to 319c of this title may be accomplished by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof or by proceeding in such manner as the laws applicable to such State may provide.

(Pub. L. 87-852, § 1, Oct. 23, 1962, 76 Stat. 1129.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on

and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISION

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 319b, 319c of this title.

§ 319a. Termination of easements; notice to grantees, successors or assignees; effective date

The instrument granting any such easement may provide for termination of the easement in whole or in part if there has been—

- (a) a failure to comply with any term or condition of the grant, or
- (b) a nonuse of the easement for a consecutive two-year period for the purpose for which granted, or
- (c) an abandonment of the easement.

If such a provision is included, it shall require that written notice of such termination shall be given to the grantee, or its successors or assigns. The termination shall be effective as of the date of such notice.

(Pub. L. 87-852, § 2, Oct. 23, 1962, 76 Stat. 1129.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISION

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 319, 319b, 319c of this title.

§ 319b. Additional easement authority

The authority conferred by sections 319 to 319c of this title shall be in addition to, and shall not affect or be subject to, any other law under which an executive agency may grant easements.

(Pub. L. 87-852, § 3, Oct. 23, 1962, 76 Stat. 1129.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISION

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as termi-

nating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 319, 319c of this title.

§ 319c. Definitions for easement provisions

As used in sections 319 to 319c of this title—

(a) The term “State” means the States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

(b) The term “executive agency” means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

(c) The term “person” includes any corporation, partnership, firm, association, trust, estate, or other entity.

(d) The term “real property of the United States” excludes the public lands (including minerals, vegetative, and other resources) in the United States, including lands reserved or dedicated for national forest purposes, lands administered or supervised by the Secretary of the Interior in accordance with sections 1, 2, 3, and 4 of title 16, as amended and supplemented, Indian-owned trust and restricted lands, and lands acquired by the United States primarily for fish and wildlife conservation purposes and administered by the Secretary of the Interior, lands withdrawn from the public domain primarily under the jurisdiction of the Secretary of the Interior, and lands acquired for national forest purposes.

(Pub. L. 87-852, § 4, Oct. 23, 1962, 76 Stat. 1129.)

REPEALS

Section repealed by Pub. L. 94-579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

SAVINGS PROVISION

Repeal by Pub. L. 94-579 insofar as applicable to the issuance of rights-of-way not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see section 701 of Pub. L. 94-579, set out as a note under section 1701 of Title 43, Public Lands.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 319, 319b of this title.

CHAPTER 5—HOURS OF LABOR AND SAFETY ON PUBLIC WORKS

SUBCHAPTER I—GENERAL PROVISIONS

Sec.

321 to 326. Repealed or Omitted.

SUBCHAPTER II—CONTRACT WORK HOURS AND SAFETY STANDARDS

327. “Secretary” defined.

328. Forty hour week; overtime compensation; contractual conditions; liability of employers for violation; withholding funds to satisfy liabilities of employers.